

State of New Jersey
Department of Environmental Protection

COMBINING OF

"Contingency Plans and Emergency Procedures"

Required by N.J.A.C. 7:26G-8.1(a)

and

"Discharge Cleanup and Removal Plans"

Required by N.J.A.C. 7:1E-4.3(a)

and

"Emergency Response"

Required by N.J.A.C. 7:31-5

Revised July 13, 1999

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Combining of

"Contingency plans and emergency procedures" required by N.J.A.C. 7:26G-8.1(a),

"Discharge cleanup and removal plans" required by N.J.A.C. 7:1E-4.3(a), and

"Emergency Response" required by N.J.A.C. 7:31-5.

This guidance document was jointly prepared by the Bureau of Hazardous Waste and Transfer Facilities, the Bureau of Discharge Prevention, and the Bureau of Chemical Release Information and Prevention to assist those facilities regulated by the Department of Environmental Protection under N.J.A.C. 7:26G, N.J.A.C. 7:1E, and N.J.A.C. 7:31 respectively, that wish to combine the emergency response plans required by each of the programs, into one overall plan.

It is intended to be used as a reference and a guide when combining the above referenced plans and procedures by presenting to the facilities the conditions that must be met in order to satisfy the requirements of each bureau.

If you have any comments, suggestions and/or questions regarding this document, please forward them to the following address:

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A. Introduction - An Overview of Each Program's Requirements

1. Bureau of Hazardous Waste and Transfer Facilities - Contingency Plan and Emergency Procedures, 40 CFR 264.50 – 264.56, as incorporated by reference at N.J.A.C. 7:26G – 8.1(a).

A contingency plan must be prepared to minimize hazards to human health and the environment from fires and explosions, and unplanned sudden or non-sudden releases of hazardous wastes or constituents to air, soil and/or surface water. The facility's Spill Prevention Control and Countermeasure (SPCC) or Discharge Prevention Containment and Countermeasure (DPCC) plans may be amended to incorporate hazardous waste requirements.

The contingency plan must describe personnel response actions and arrangements to coordinate emergency services with local police departments, fire departments, hospitals, contractors, and state and local emergency response teams. It must also include a list of emergency coordinators; emergency equipment; and must indicate the location of all emergency and safety equipment, evacuation routes, emergency exits and shut-off valves. Additionally, the plan must describe facility evacuation procedures and evacuation routes.

2. Bureau of Discharge Prevention - Discharge Prevention, Containment and Countermeasure (DPCC) and Discharge Cleanup and Removal plan (DCR), N.J.A.C. 7:1E.

A DPCC/DCR plan must be prepared, meeting the standards for discharge prevention and emergency response for major facilities storing or handling petroleum, petroleum products and/or hazardous substances listed in Appendix A of the regulations. The purpose of the DPCC plan is to prevent discharges from occurring. The purpose of the DCR plan is to reduce, as much as possible, any effects of discharges on the environment.

The following must be included in the DCR plan: response coordinator information, notification procedures, provisions for emergency response drills, a list of available equipment and personnel, an on-site and off-site deployment plan for personnel and equipment, procedures for determining recycling or disposal options during emergency operations, an agreement with the local emergency planning committee (LEPC), and proof of financial responsibility.

3. Bureau of Chemical Release Information and Prevention - Toxic Catastrophe Prevention Act (TCPA) Emergency Response, 40 CFR 68 Subpart E as incorporated by reference at N.J.A.C. 7:31–5.1(a), with changes specified at N.J.A.C. 7:31–5.1(c) 1-4; and additional New Jersey requirements at N.J.A.C. 7:31–5.2.

Each registrant as required by the TCPA rules must develop an emergency response program. This program must include preparation of an emergency response plan, training for all site employees and emergency response teams, emergency response exercises followed by a written assessment and a remedial action plan, and a program to coordinate the site's emergency response plan with the LEPC.

The emergency response plan must include procedures for informing the public and local emergency response agencies about accidental releases, documentation for first aid and emergency medical treatment, and emergency response procedures for accidental releases. Additionally, the emergency response program must include procedures for the use, inspection, testing, and maintenance of emergency response equipment and also a description of the emergency notification system for reporting EHS accidents.

B. Comparison of Emergency Response Requirements

In order to determine the areas which may be combined, the following chart has been developed listing emergency response requirements under N.J.A.C. 7:31, N.J.A.C. 7:1E, & N.J.A.C. 7:26G.

Several of the items listed on the chart may be combined into one overall emergency response plan. A discussion of how those items may be combined may be found in Section C of this guidance document.

Those items that may not be combined must be addressed specifically for each program, as required by the regulations.

SUBJECT	TCPA N.J.A.C. 7:31	DPCC/DCR N.J.A.C. 7:1E	HAZ. WASTE N.J.A.C. 7:26G
Drills	One per year. Assessment requirements of the adequacy of ER plan and ER equipment.	One per year to cover currency and adequacy of the ER action plan - DCR plan.	
Training	Training for new EHS operators shall include emergency operations.	Classroom training for new employees shall include ER procedures for fires, leaks and discharges (not Hazwoper - type training) - DPCC plan.	Initial training on emergency procedures, equipment and systems within six months after employment.
Training	Refresher training at least every three years, and more often if necessary, on all operating procedures for EHS operators.	Annual refresher training on leak or discharge control procedures - DPCC plan.	Annual review of initial training.
Training	Initial and annual refresher ER team and site employee training.		
Remedial action plan after incidents	Accident investigation report requirements	Following submission of a discharge confirmation report, the facility may be required to amend the DPCC/DCR plans - N.J.A.C. 7:1E-5.11.	The contingency plan must be reviewed and amended when plan fails in an emergency.
Detection Equipment	Procurement and description of mobile detection equipment. *(note)	Description of all Leak detection equipment and procedures - DPCC plan.	
LEPC	Program to coordinate, plan and notify for accidental releases.	Agreement with LEPC. Letter from LEPC stating facility has submitted ER plan - DCR plan.	Arrangements with police, fire, hospitals, and local ER teams to become familiar with site and properties of waste.

SUBJECT	TCPA N.J.A.C. 7:31	DPCC/DCR N.J.A.C. 7:1E	HAZ. WASTE N.J.A.C. 7:26G
ER Plan	Description and location of EHSs. *(note)	Description of all storage areas and any site plan with locations - DPCC plan.	
ER Plan	Procedures for use, inspection, testing of ER equipment.	Equipment list - DCR plan.	Equipment list, location and description.
ER Plan	Name of ER Coordinator. *(note)	Name of ER Coordinator - DCR plan.	Name of Emergency Coordinator.
ER Plan	ER team chart and charts with contract, mutual aid or governmental responders. *(note)	Chain of Command for ER. List of trained personnel - DCR plan.	Name of Emergency Coordinator.
ER Plan	Description of emergency notification system.	Notification procedures -DCR plan.	Notification of and coordination with agencies.
ER Plan	Description of mobile EHS detector. *(note)	Description of all leak detection - DPCC plan.	
ER Plan	Description of potential EHS accidents and ER procedures.	Description of deployment of equipment and personnel, must include prioritized off-site identification of environmentally sensitive areas, protection mitigation procedures - DCR plan.	Description of personnel response actions to fire, explosions or unplanned release of hazardous waste.
ER Plan	Procedures for first-aid and medical treatment.		Arrangements with hospitals.
ER Plan	Site evacuation plan. *(note)		Site evacuation plan.
ER Plan	Site re-entry and recovery plan. *(note)	Recycling and disposal plans for hazardous material - DCR plan.	Procedures for resumption of operations, which include recovery/disposal of hazardous waste.
ER Plan	Procedures for contractors – extensive. *(note)	Brief reference to training of contractors - employee training section - DPCC plan.	Arrangements with contractors – brief reference.
Application of Chemicals to Spills		Cannot apply without prior DEP or Federal approval - Discharge Response, 7:1E-5.7.	
Financial Responsibility		Demonstration of financial responsibility.	

*(note) – These items must be considered for inclusion in the ER plan as part of the TCPA management system and also if the owner follows the National Response Team’s “One Plan” pursuant to 40CFR 68.95 (b) with changes specified at N.J.A.C. 7:31-5.1(c) 3. And 4.

C. Combining Emergency Response Plans

The following items may be combined into a comprehensive emergency response plan, in order to satisfy the requirements of the three programs:

1. Drills: Two emergency response drills are required. One of the site wide drills performed

must deal with EHSs, as defined in N.J.A.C. 7:31, and the other drill must deal with hazardous substances as defined in N.J.A.C. 7:1E.

Please note that N.J.A.C. 7:31 (TCPA) requires a remedial action plan to be developed to correct deficiencies in procedures or equipment after incidents or drills.

2. Training: Annual refresher training and classroom training that includes emergency procedures in response to fires, explosions, leaks and discharges may be combined. This training must be appropriate for responding to all the substances covered by all three programs. This section of the emergency response plan may be combined as much as is feasible. The most stringent training requirement must be adopted and must include all of the facility's substances regulated by the three programs.
3. Detection equipment: All equipment used for detecting a leak or a discharge, as well as the mobile detection equipment used in responding to an emergency must be described.
4. LEPC: A copy of an agreement with the LEPC may be provided in lieu of arrangements with police, fire and local emergency response teams. The objective of this agreement is to coordinate the action of LEPC and facility personnel in the event of an emergency. A letter from the LEPC stating that the facility has submitted its emergency plan for incorporation in the municipality's emergency operations plan is sufficient to meet this requirement.

Please note that arrangements with hospitals must still be obtained. This is required by the hazardous waste regulations.

5. Emergency Response Plan: A list of available equipment and personnel, emergency response coordinator general information (i.e. name, 24 hr phone number), and chain of command must be included in the plan. Notification procedures may be combined as much as feasible, making sure that the notification requirements of all three programs are met. Most facilities rely on a cleanup contractor to handle off-site discharges. In such instances, this must be stated in the plan, the name of the organization must be provided, and a list of equipment and personnel available through the organization.

The emergency response actions must be specific for the types of substances regulated by each program. Response to leaks of EHSs is different than the response to leaks or discharges of substances covered by the discharge prevention program; and response to hazardous wastes is also different, since these substances contain many unknowns.

A site evacuation plan and a site re-entry and recovery plan must be included. This plan must include procedures for resumption of operations, and recovery and/or disposal plans for hazardous waste/material.

6. The combined emergency response plan does not need to follow the sequence of N.J.A.C. 7:26G, N.J.A.C. 7:1E or N.J.A.C. 7:31, but must address all the requirements of the three regulations. A table of contents must be used to list the page number and heading where

the appropriate information may be found in the plan.

D. Typical contents of a combined emergency response plan

This section gives a listing of the typical contents of a combined emergency response plan.

The items listed below are by no means the only items that may be combined, but represent those which are common to all three programs. Any items that are specific to each program must be addressed specifically for each program.

Items common to all three programs:

- Procedures to be followed in case of fires, explosions, leaks and/or discharges
- Chain of command for an emergency response action
- Notification procedures
- Emergency response drills
- List of available equipment for an emergency response action
- LEPC agreement
- Training

Items specific to each program but contained within emergency response plan:

- Written notification procedures or reports to be submitted after an incident (varies for all three programs)
- Plan to correct deficiencies in procedures or equipment after drills (N.J.A.C. 7:31 - TCPA)
- Off-Site deployment priority plan (N.J.A.C. 7:1E - DCR plan)
- Demonstration of financial responsibility (N.J.A.C. 7:1E - DCR plan)
- List of trained personnel available for an emergency response action
- Description of leak detection equipment
- Emergency response coordinator information: name & 24 hr phone number
- Site evacuation plan, re-entry and recovery/disposal plan or procedures